IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2074 OF 2003

IN

SUMMONS FOR JUDGMENT NO. 79 OF 2002

IN

SUM. SUIT NO. 5047 OF 2000

M/s. PKL Ltd,. .. Plaintiff

vs.

M/s. Sagar Sales Corporation .. Defendant.

Mr. N.R. Bubna for plaintiff.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The present motion is taken out for restoration of the summons for judgement which was dismissed for default. The reason given is that the said summons for judgment has been dismissed on the very first date on reopening of the May vacation and the advocate has not yet arrived at Bombay. The ground given is that the managing director expired just two months before the dismissal of the said summons for judgement. Though there is no satisfactory explanation but in view of the request

of the learned counsel for the plaintiff that indulgence be granted if necessary on imposition of cost so that the matter on merit may be considered, I grant the notice of motion and restore the said summons for judgment being Summons for Judgement No. 79 of 2002. The said summons for judgment to be on Board for hearing on 21.11.2005. Plaintiff is directed to pay cost of Rs. 5000/- to the Maharashtra State Legal Services Authority within a period of four weeks. The matter to be placed on Board on 5.12.2005. Motion disposed of accordingly. No order as to costs.